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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/530,460	04/05/2005	Martin Fangmeier	SMB-PT 133 (pc 03 577 B U	3054
3624	7590	04/25/2007	EXAMINER	
VOLPE AND KOENIG, P.C. UNITED PLAZA, SUITE 1600 30 SOUTH 17TH STREET PHILADELPHIA, PA 19103			RIVELL, JOHN A	
			ART UNIT	PAPER NUMBER
			3753	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/25/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

Application No.

10/530,460

Applicant(s)

FANGMEIER, MARTIN

Examiner

John Rivell

Art Unit

3753

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 4/5/05 (application).
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 April 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>04052005</u> .  | 6) <input type="checkbox"/> Other: _____                          |

By preliminary amendment filed April 5, 2005, claims 1-9 remain pending.

The substitute specification filed April 5, 2005 has been entered.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-9 are rejected under 35 U.S.C. §102 (b) as being anticipated by Lieser.

The patent to Lieser discloses, in figures 1 and 2, a “backflow prevention device, comprising a mounting housing (10) that can be inserted into a fluid conduit (read at 21), and having at least one sealing ring (25) that is held in an annular groove (24) provided on an outer circumference of the mounting housing (10) and that provides a seal between the mounting housing (10) and the fluid conduit (21), wherein when the backflow prevention device is closed and a fluid volume is sealed at a flow outlet side (at B), the sealing ring (25) can be moved against a restoring force (the resiliency of the material of the seal itself) from a sealing position into a leakage position in order to compensate pressure” as recited in claim 1.

Regarding claim 2, in Lieser, “the restoring force of at least one rubber-like elastic restoring element (e.g. the remainder of the seal element 25) acts on the sealing ring (25)” as recited.

Regarding claim 3, in Lieser, “at least one restoring element (the remainder of the seal element 25) has an annular construction” as recited.

Regarding claim 4, in Lieser, "the sealing ring (25) and the at least one restoring element (the remainder of the seal ring 25) are connected with one another in one piece to form a sealing and restoring unit" as recited.

Regarding claim 5, in Lieser, "in the annular groove (24) an annular guide segment (read on the right side lower half moon segment of the groove 24), encompassed by the sealing ring (25), is provided that tapers against an inflow direction (e.g. tapers inwardly in the direction towards the inlet at A) of the backflow prevention device" as recited.

Regarding claim 6, in Lieser, "the restoring element (the remainder of the seal 25) is supported on a radial wall (the radial wall portion of groove 24 on the inlet 11 side) located at a flow inlet side of the annular groove (24)" as recited.

Regarding claim 7, in Lieser, "the sealing ring (25) can be moved from the sealing position into the leakage position by a backflow that acts thereon" as recited.

Regarding claim 8, in Lieser, "at least one pressure compensation channel (23) is provided that connects an area of the groove (24) situated before the leakage position in the inflow direction to a flow inlet side (leading directly to ball check valve head 13) of the backflow prevention device" as recited.


Regarding claim 9, in Lieser, "the at least one pressure compensation channel (23) is fashioned as a slit or similar opening of the radial wall at the flow inlet side" as recited.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Rivell whose telephone number is (571) 272-4918. The examiner can normally be reached on Mon.-Thur. from 6:30am-5:00pm (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Keasel can be reached on (571) 272-4929. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
**John Rivell**  
**Primary Examiner**  
**Art Unit 3753**

j.r.